

"Express Mail" mailing label number: EV 715031175 US

# 3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE  
(DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371/  
PETITION FOR EXTENSION OF TIME

ATTORNEY'S DOCKET NUMBER		
VOPA124104		
U.S. APPLICATION NO. (if known, see 37 C.F.R. 1.5)		
10/518,594		
INTERNATIONAL APPLICATION NO.	INTERNATIONAL FILING DATE	EARLIEST PRIORITY DATE CLAIMED
PCT/EP03/06551	June 20, 2003	June 19, 2002
TITLE OF INVENTION		
AGENT FOR MEDICAMENTOUS TREATMENT OF ACUTE AND CHRONIC PAIN		
APPLICANT(S) FOR DO/EO/US		
Gary LEWIN and Jung-Bum SHIN		

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information by **Express Mail**:

- \_\_\_\_\_ 1. This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
- X   2. This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 37 U.S.C. 371.
- \_\_\_\_\_ 3. This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
- \_\_\_\_\_ 4. The US has been elected (Article 31).
- \_\_\_\_\_ 5. A copy of the International Application as filed (35 U.S.C. 371(c)(2))
  - \_\_\_\_\_ a. is attached hereto (required only if not communicated by the International Bureau).
  - \_\_\_\_\_ b. has been communicated by the International Bureau.
  - \_\_\_\_\_ c. is not required, as the application was filed in the United States Receiving Office (RO/US).
- \_\_\_\_\_ 6. An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).

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CHRISTENSEN O'CONNOR JOHNSON KINDNESS<sup>PLC</sup>  
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- \_\_\_ 7. Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
- \_\_\_ a. are attached hereto (required only if not communicated by the International Bureau).
- \_\_\_ b. have been communicated by the International Bureau.
- \_\_\_ c. have not been made; however, the time limit for making such amendments has NOT expired.
- \_\_\_ d. have not been made and will not be made.
- \_\_\_ 8. An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
- X 9. An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
- \_\_\_ 10. An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

**Items 11 to 20 below concern document(s) or information included:**

- \_\_\_ 11. An Information Disclosure Statement under 37 C.F.R. 1.97 and 1.98.
- \_\_\_ 12. An assignment document for recording. A separate cover sheet in compliance with 37 C.F.R. 3.28 and 3.31 is included.
- \_\_\_ 13. A preliminary amendment.
- X 14. A Supplemental Application Data Sheet under 37 C.F.R. 1.76.
- \_\_\_ 15. A substitute specification.
- \_\_\_ 16. A power of attorney and/or change of address letter.
- \_\_\_ 17. A computer-readable form of the sequence listing in accordance with PCT Rule 13<sup>ter</sup>.2 and 37 C.F.R. 1.821 – 1.825 is transmitted herewith in printed and computer-readable formats. The paper and computer-readable copies of the sequence listing are the same and do not contain new matter. Entry of the sequence listing into the application is requested. The paper copy comprises \_\_\_ additional pages.
- \_\_\_ 18. A second copy of the published international application under 35 U.S.C. 154(d)(4).
- \_\_\_ 19. A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
- X 20. Other items or information: A copy of the 371 Formalities Letter.

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The following fees are submitted:.				<b>CALCULATIONS</b>	
21. _____ a) Basic national fee..... \$300				\$--	
22. _____ b) Examination fee				\$--	
If the written opinion prepared by ISA/US or the International preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4).....\$0.00					
All other situations.....\$200.00					
23. _____ c) Search fee				\$--	
If the written opinion of the ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4).....\$0.00					
Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority.....\$100.00					
International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB.....\$400.00					
All other situations.....\$500.00					
<b>TOTAL OF ABOVE CALCULATIONS =</b>				\$--	
____ Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250.00 for each additional 50 sheets of paper or fraction thereof.					
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	Rate		
- 100 =	/50=		x \$250	\$--	
Surcharge of \$130 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(h)).				\$130.00	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total claims	- 20 =		x \$50	\$--	
Independent claims	- 3 =		x \$200	\$--	
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$360	\$--	
<b>TOTAL OF ABOVE CALCULATIONS =</b>				\$130.00	
____ Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.				\$--	
<b>SUBTOTAL =</b>				\$130.00	
Applicants respectfully request that the shortened statutory period for response to the Notification of Missing Requirements, dated August 8, 2005, set to expire on October 8, 2005, be extended by 1 month, to expire on November 8, 2005. The enclosed check includes the 1-month extension fee of \$120.00				\$120.00	
<b>TOTAL NATIONAL FEE =</b>				\$250.00	

11/15/2005 6FREY1 00000126 10518594

01 FC:1617  
02 FC:1251

130.00 OP  
120.00 OP

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Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40 per property.		\$--
<b>TOTAL FEES ENCLOSED =</b>		<b>\$250.00</b>
Amount to be refunded:		\$
Amount to be charged:		\$

- X   a. Check No. 167107 in the amount of \$250.00 to cover the above fees is enclosed.
- X   b. The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 03-1740. A duplicate copy of this sheet is enclosed.

NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.


SEND ALL CORRESPONDENCE TO:

**Customer No. 26389**

Dennis K. Shelton  
CHRISTENSEN O'CONNOR JOHNSON KINDNESS<sup>PLLC</sup>  
1420 Fifth Avenue  
Suite 2800  
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Respectfully submitted,

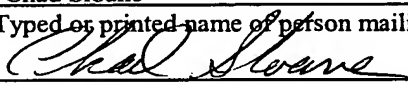
CHRISTENSEN O'CONNOR  
JOHNSON KINDNESS<sup>PLLC</sup>

  
Dennis K. Shelton  
Registration No. 26,997  
Direct Dial No. 206.695.1718

**EXPRESS MAIL CERTIFICATE**

Express Mail No.: EV 715031175 US  
Date of Deposit: November 8, 2005

I hereby certify that this document and the enclosures listed therein are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on the date indicated above and is addressed to Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Chad Sloane  
(Typed or printed name of person mailing paper or fee)  
  
(Signature of person mailing paper or fee)

DKS:cj

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## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

DKS

U.S. APPLICATION NUMBER NO. 10/518,594	FIRST NAMED APPLICANT Gary Lewin	ATTY. DOCKET NO. VOPA124104
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INTERNATIONAL APPLICATION NO. PCT/EP03/06551
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I.A. FILING DATE 06/20/2003	PRIORITY DATE 06/19/2002
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26389  
 CHRISTENSEN, O'CONNOR, JOHNSON, KINDNESS, PLLC  
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 SUITE 2800  
 SEATTLE, WA 98101-2347

CONFIRMATION NO. 2843  
 371 FORMALITIES LETTER



Date Mailed: 08/08/2005

**DOCKETED**

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 12/17/2004
- Copy of the International Search Report filed on 12/17/2004
- Copy of IPE Report filed on 12/17/2004
- Preliminary Amendments filed on 12/17/2004
- Information Disclosure Statements filed on 12/17/2004
- Request for Immediate Examination filed on 12/17/2004
- U.S. Basic National Fees filed on 12/17/2004
- Priority Documents filed on 12/17/2004

**PROCESSED  
DOCKETING**  
 CLH  
 AUG 12 2005

CHRISTENSEN, O'CONNOR  
 JOHNSON KINDNESS PLLC

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.16(f) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

#### SUMMARY OF FEES DUE:

Total additional fees required for this application is \$130 for a Large Entity:

DGM

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- \$130 Surcharge.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

SHAKEEL AHMED

Telephone: (703) 308-9140 EXT 208

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/518,594	PCT/EP03/06551	VOPA124104

FORM PCT/DO/EO/905 (371 Formalities Notice)